

ACTION WHA-00

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RELEASED IN PART

B1, 1.4(B), 1.4(D)

INFO	LOG-00	NP-00	AID-00	INL-00	DOEE-00	DOTE-00	ANHR-00
	PERC-00	DS-00	EB-00	EUR-00	OIGO-00	FAAE-00	VC-00
	H-00	TEDE-00	INR-00	IO-00	LAB-01	L-00	VCE-00
	AC-00	NEA-00	DCP-00	NSAE-00	OIC-00	OMB-00	NIMA-00
	PA-00	PM-00	GIWI-00	PRS-00	ACE-00	P-00	SCT-00
	FMPC-00	SP-00	SSO-00	SS-00	ASDS-00	IIP-00	PMB-00
	DSCC-00	PRM-00	DRL-00	G-00	NFAT-00	SAS-00	/001W

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R 232024Z SEP 04

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 7281

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY MONTEVIDEO

AMEMBASSY SANTIAGO

AMEMBASSY TEL AVIV

CIA WASHDC

DEPT OF JUSTICE WASHDC

DEPT OF LABOR WASHDC

DEPT OF TREASURY WASHDC

FBI WASHDC

NSC WASHDC

SECDEF WASHDC

USCINCSO MIAMI FL

USDOC WASHDC

USMISSION GENEVA

USMISSION UNVIE VIENNA

C O N F I D E N T I A L BUENOS AIRES 002712

STATE FOR WHA/BSC, WHA/PPC, EB/IFD/OMA, S/CT

NSC FOR TOM SHANNON AND MIKE DEMPSEY

FBI FOR CTD/IRAN-HIZBOLLAH UNIT FOR SSA

E.O. 12958: DECL: 09/16/2014

TAGS: PGOV, PINR, PREF, PREL, PTER, KJUS, AR

SUBJECT: AMIA TRIAL UPDATE

REF: BUENOS AIRES 2540

Classified By: AMBASSADOR LINO GUTIERREZ FOR REASONS 1.4(B) AND (D)

1. (C) SUMMARY: Recused trial judge Juan Jose Galeano tendered his resignation September 13 to the President in the face of the ongoing investigation into the alleged irregularities committed in his investigation of the 1994 terrorist bombing of the Jewish Community Center (AMIA).

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President Kirchner has apparently decided to take no action for the moment on the resignation, allowing the Council of Magistrates' investigation of Galeano to continue. In another interesting twist, Federal Judge Claudio Bonadio, who is also looking into the AMIA investigation irregularities, is now himself under the microscope as another federal court this week called into question his impartiality, asking the executive branch to report on Bonadio's political responsibilities/linkages to the former Menem administration and Carlos Corach in particular, the former Minister of Interior under Menem.

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[redacted] the recent three-judge panel decision (Ref. A) to acquit the 22 Argentine defendants (the "local connection") of all charges related to the 1994 attack, and to investigate Galeano, Corach and others, as a political decision orchestrated by the Kirchner administration. The Kirchner administration did send a clear message of support for the recent judicial decision when Justice Minister Rosatti paid a visit September 10 to the Council of Magistrates and praised the courage of the three-judge panel, particularly its call for an investigation into Galeano's and others' actions. Embassy has no indications that the court's September 2 acquittal and call for investigations was, in any way, influenced or orchestrated by the Kirchner Administration.

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END SUMMARY.

2. (C) On September 13, Judge Juan Jose Galeano, the original judge in the investigation and trial of the 1994 terrorist bombing of the AMIA Jewish Community Center, tendered his resignation to President Nestor Kirchner. Galeano's resignation would have terminated the ongoing investigation of the Council of Magistrates into his conduct of the investigation and trial. It also would close off the opportunity for Galeano to defend his actions and, perhaps, to divulge possibly embarrassing information about any number of past and current political figures. Interestingly, President Kirchner has decided to take no action on the resignation (he has neither accepted nor refused it) allowing the Council's investigation to move ahead.

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[redacted] described the September 2 acquittal and call for investigations of Galeano, Corach and others as a political attack aimed at placing the blame for

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the failed investigation on former Menem-era officials. As support for his contention, [redacted] the narrative of the three-judge panel in its September 2 verdict almost exactly mirrored the scenario laid out publicly some time ago by First Lady and Senator Cristina Fernandez de Kirchner (i.e. that the Menem administration had purposefully hindered the investigation, covered up several interesting international leads -- including to Syria -- and sought to find convenient local scapegoats). [redacted]

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[redacted] this verdict, and what he sees as the Kirchner Administration's political manipulation of the investigation, will hinder eventual efforts to bring the authors of the crime to justice.

4. (C) [redacted] the court's decision discredits all the evidence that Judge Galeano had uncovered in his investigation. [redacted] Judge Claudio Bonadio, already looking into Galeano's investigation irregularities, was himself going to be investigated because of alleged conflicts of interests from his time working under Corach in the Interior Ministry's Legal and Technical Secretariat at the beginning of the Menem Administration. Removing Bonadio [redacted] would stall those investigations, further hindering an ultimate resolution of that aspect of the case. (Note: [redacted])

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[redacted] the press reported that the First Federal Court had requested the administration provide a report on Bonadio's activities during the Menem Administration.)

5. (C) Comment: The court's September 2 acquittal of the Argentine defendants, and its calls for an investigation into the original judge's and Menem-era officials' actions, has muddied the waters and given renewed life to old and new conspiracy theories. [redacted]

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The Jewish community and groups representing the victims' families are pressuring the government to renew its efforts to try to bring the suspected Hezbollah and Iranian culprits to justice. The three-judge panel that issued the September 2 acquittal ruling does not release its detailed ruling until October 29. At that time, it will become clearer what sort of evidence exists against Galeano, Corach and others, and how much of the evidence and testimony collected by Galeano can be used in the continuing case.

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